

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACLYN BROOKE FAIRCLOTH, as
guardian ad litem of H.F. and on
behalf of all others similarly situated,

Plaintiff,

v.

POWERSCHOOL GROUP LLC, et al.,

Defendants.

No. 2:25-cv-00252-DJC-JDP

ORDER

Before the Court is Jaclyn Brooke Faircloth's petition to be appointed as guardian ad litem for Plaintiff H.F., her minor child. (ECF No. 9.) Defendants have not opposed this request.

"To maintain a suit in a federal court, a child or mental incompetent must be represented by a competent adult." *Doe ex rel. Sisco v. Weed Union Elementary Sch. Dist.*, 2:13-cv01145, 2013 WL 2666024 at *1 (E.D. Cal. June 12, 2013) (citation omitted); see also Fed. R. Civ. P. 17(c)(2) ("The court must appoint a guardian ad litem—or issue another appropriate order—to protect a minor or incompetent person who is unrepresented in an action."). Under Rule 17, a court may appoint a "general guardian"; "committee"; "conservator"; or "like fiduciary" to sue on behalf of the minor. Fed. R. Civ. P. 17(c)(1). In pertinent part, Local Rule 202(a) of this Court further states:

1 Upon commencement of an action or upon initial
2 appearance in defense of an action by or on behalf of a
3 minor or incompetent person, the attorney representing the
4 minor or incompetent person shall present . . . a motion for
5 the appointment of a guardian ad litem by the Court, or . . . a
6 showing satisfactory to the Court that no such appointment
7 is necessary to ensure adequate representation of the minor
8 or incompetent person.

9 See L.R. 202(a). The decision to appoint a guardian ad litem "must normally be left to
10 the sound discretion of the trial court" *United States v. 30.64 Acres of Land*, 795
11 F.2d 796, 804 (9th Cir. 1986). Where there is no conflict of interests between the
12 minor and their parent, the parent is generally appointed as guardian ad litem. See
13 *Akey v. Placer Cnty.*, 2:14-cv-02402-KJM-KJN, 2014 WL 12917496, at *1 (E.D. Cal.
14 Dec. 30, 2014) ("A parent is generally appointed guardian ad litem . . . [unless] there is
15 a conflict between the interests of the minor children and those of the parents."
16 (citations omitted)).

17 The Court has considered the petition and finds no apparent conflict that would
18 preclude Ms. Faircloth from serving as guardian ad litem to Plaintiff H.F. The petition
19 indicates that Ms. Faircloth is H.F.'s mother, legal guardian, and primary caretaker, and
20 is willing to serve as H.F.'s guardian ad litem. (ECF No. 9-1 ¶¶ 1, 3, 7.) The petition
21 further indicates that Ms. Faircloth is fully competent to understand and protect the
22 rights of H.F. (*Id.* ¶¶ 5, 7.) Finally, the petition states that Ms. Faircloth has no adverse
23 interest to H.F. and notes that she is well-acquainted with his needs and has his best
24 interests at heart. (*Id.* ¶ 3.)

25 Accordingly, IT IS HEREBY ORDERED that Jaclyn Brooke Faircloth's petition
26 (ECF No. 9) is GRANTED; she is appointed in this action as guardian ad litem for minor
27 Plaintiff H.F. The hearing on this matter currently set for March 20, 2025, is VACATED.

28 Dated: February 24, 2025

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE